

SECTION II. STATEMENT OF VIOLATIONS

Items one and two below are violations of Missouri's Hazardous Waste Management Law, Section 260.350, et seq. RSMo and Title 10 Division 25 of the Code of State Regulations adopted pursuant to Section 260.370, RSMo. (Federal Regulations cited are incorporated by reference in the Missouri regulations.)

1. Doe Run has a hazardous substance emergency pursuant to Section 260.510 RSMo. The emergency is in regards to the extremely high level of lead contamination that has been recently discovered in close proximity to the hauling routes identified herein. Current information indicates that these extremely high levels of lead can be attributed to lead concentrate spilled from full and/or mostly empty trucks hauling lead concentrate that entered and/or exited the Doe Run smelter along primary and secondary hauling routes. The primary hauling routes in Herculaneum from the facility west to U.S. Highway 61/67 include Station Street, Brown Street, and Joachim Avenue. The secondary hauling routes from the facility north and west to U.S. Highway 61/67 include Main Street and Joachim Avenue.
2. Doe Run has operated as a disposal facility without a permit in violation of Section 260.390.1(1) RSMo. Based on field screening and laboratory analytical results noted in item twenty (20) in Section II of this Order, Doe Run has generated a hazardous waste. Based on observations referenced in items eight (8) through ten (10), twelve (12), thirteen (13) and twenty (20) in Section II of this Order, Doe Run has disposed of hazardous waste into the environment. Doe Run does not have a permit for this disposal activity.

The following is a violation of Missouri's Air Conservation Law pursuant to Section 643.090(2), RSMo.

Doe Run has discharged an air contaminant source (the fugitive dust) directly or indirectly into the ambient air, and such discharge constitutes a clear and present danger to the public health, public welfare and the environment.

The following is a violation of Missouri's Clean Water Law pursuant to Section 644.056, RSMo.

Doe Run has placed or caused or permitted to be placed a water contaminant (the fugitive dust) in a location where it is reasonably certain to cause pollution of waters of the state in violation of Sections 644.051(1) and 644.076.1, RSMo.